

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL REALTY INVESTMENT TRUST, :  
Plaintiff, :

v. :

ERIC LEVINE and KAREN LEVINE, :  
Defendants. :  
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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11-23-11

**ORDER**

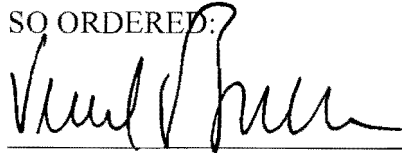
11 CV 8322 (VB)

The Court sua sponte has reviewed the Notice of Removal of Defendants Eric Levine and Karen Levine, filed Nov. 17, 2011. (Doc. #1). The notice of removal alleges that this Court has subject matter jurisdiction pursuant to diversity of citizenship. 28 U.S.C. § 1332. The notice of removal also states that both defendants are citizens of the State of New York. Because the defendants are citizens of New York, they were not entitled to remove the action to federal court. 28 U.S.C. § 1441(b). Since the notice of removal is procedurally defective, the action will be remanded to State court. 28 U.S.C. § 1447(c). See Handelsman v. Bedford Village Assocs. Ltd. P'ship, 213 F.3d 48, 50 n.2 (2d Cir. 2000); Hamilton v. Aetna Life & Cas. Co., 5 F.3d 642, 644 (2d Cir. 1993), cert. denied, 510 U.S. 1130 (1994).

The Clerk is instructed to remand this case to the Supreme Court of State of New York, County of Westchester.

Dated: White Plains, NY  
November 23, 2011

SO ORDERED:



Vincent L. Briccetti  
United States District Judge